

LINDA LINGLE  
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STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

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No. \_\_\_\_\_

April 7, 2009

Mr. Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801

RE: CCA Saguaro – Legal Mail

Dear Mr. Gluck:

As you know from my follow up telephone conversation with you on March 31, 2009, I previously agreed to review your concerns regarding the handling of legal mail sent to inmates at the Saguaro Correctional Center and the supposed "shaking down" of inmates' cells after receipt of legal mail "as an excuse to read through their legal paperwork." Further, during my follow up telephone conversation, I also agreed to review your concerns regarding staff member(s) of the facility being present in the room during inmate legal calls. Now that the review has been completed, I am able to share the findings with you.

First, the Department of Public Safety's audit and compliance team were at the Saguaro facility last week. As such, I instructed Ms. Shari Kimoto to review the facility's handling of legal mail and to review your concerns regarding "shake downs." The review has determined that legal mail is appropriately being handling and that it is opened in the presence of the inmate for whom it is addressed. Some inmates housed in segregation have requested to be provided with their legal mail sealed, and they wish to open it themselves. However, this is not proper procedure and all such requests have been denied.

Secondly, the review by our audit team has determined that allegations that inmates' cells are being searched as a way to read through their legal mail is without merit. The fact of the matter is a number of cells are randomly searched on a daily basis, in part as a deterrent to the introduction of contraband and to help ensure a safe environment for the inmates, staff, and visitors to the facility.


Further, on the morning of March 31, 2009, you stated that you had a legal call scheduled with inmate William Barnes, and that a CCA correctional staff member was present in the room during the call. You further stated Mr. Beatrus of CCA informed you that in order for an inmate to have a legal call without the presence of a staff member, they would have to request it as a confidential legal call.

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However, our review of this matter reveals that Attorney Myles Breiner, who represents inmate Barnes scheduled a legal call with his client for the morning of March 31, 2009, not the ACLU. Therefore, if you also represent inmate Barnes, you are required to follow established procedures to notify this Department of your representation. You may do so by contacting the Mainland Branch Office of the Department at 837-8020. It should be noted that since inmate Barnes is currently housed in segregation, it is CCA's policy to have a Case Manager present, but the staff member cannot hear what the Attorney is saying to his client, and has no knowledge of what the inmate is verbally responding to when speaking with their Attorney. It is our understanding that this only applies to inmates housed in segregation as a safety and security measure. Should you have further concerns regarding this particular policy, it is recommended that you contact CCA directly.

Finally, we appreciate the opportunity to address the concerns of our inmates and the concerns you raised. It our desire to revolve all issues of concern at the lowest level possible and to that end, we continue to encourage our inmates to work with their Institutional Case Managers at the facility and the staff of our Mainland Branch Office.

Sincerely,



Tommy Johnson  
Deputy Director for Corrections

c: Clayton A. Frank, Director, Department of Public Safety